IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 14606 of 2004

Between:

1.Yellavula Malayadri, S/o. Anki Reddy,
Jallapalem Village, Kondepi Mandal, Prakasam District.
2.Bondi Koteswara Rao, S/o. Chinna Obaiah,
Jallapalem Village, Kondepi Mandal, Prakasam District.
3.Sura Venkateswarlu, S/o. Venkateswarlu,
Jallapalem Village, Kondepi Mandal, Prakasam District.
4.Kunduru Brahamaiah, S/o. Singaiah,
Jallapalem Village, Kondepi Mandal, Prakasam District.
5.Bhooma Moodava Kotaiah, S/o. Pedda Narasimham,
Jallapalem Village, Kondepi Mandal, Prakasam District.
6.Bhooma Rendava Kotaiah, S/o. Pedda Narasimham,
Jallapalem Village, Kondepi Mandal, Prakasam District.

..... PETITIONERS

AND

1 The Chairman & District Collector, District Water Management Agency,
Prakasam District, Ongole.
2 The Project Director, District Water Management Agency,
8th Line, Ramnagar, Ongole.
3 The Divisional Engineer, District Water Management Agency,
Kandukur, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of writ of MANDAMUS declaring the action of the respondents in taking a decision to

construct a check dam in S.No.619,620 and 621 of Jallapalem Village, Peddakandlagunta Grampanchayat, Kondepi Mandal, Prakasam District on "Vuruvagu" without considering the objections and representations of the villagers and consequently direct the respondents not to make any construction of check dam without making any enquiry after giving a reasonable opportunity to the villagers and without considering the objections of the villagers of Jallapalem, Peddakandlagunta Grampanchayat, Kondepi Mandal, Prakasam District.

Counsel for the Petitioners: MR.T.RAJENDRA PRASAD

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the admission stage made the following:

ORDER:

Heard the learned counsel for the petitioners.

The petitioners claim to be the residents of Jallapalem Village, Kondepi Mandal, Prakasam District. It is stated that they are all small farmers and eking out their livelihood by agriculture. It is further stated that they are possessing small extents of lands situated in Survey Nos.689/1 and 689/2 of Jallapalem; 621/1 and 433 of Perapuram, and 13 and 15 of Kandrika, which are located adjacent to a stream known as “Vuruvaagu”.

The grievance of the petitioners is that the respondents are proposing to construct a check dam on the said stream adjoining to their lands and that if the same is allowed to go on, the lands to an extent of about 30 acres will be submerged, depriving the petitioners and several other villagers of their livelihood. It is stated that they made a representation before the respondents on 28.07.2004 bringing to their notice the difficulties they may face, if the check dam is constructed at the proposed site and requested them to alter the place for construction of the check dam. It is alleged that the respondents failed to consider their representation and proceeding to construct the check dam. Hence this writ petition.

Having regard to the facts and circumstances of the case, I am of the view that since the petitioners are asserting that if the check dam is constructed at the proposed site, the lands possessed by them will be submerged, it would be appropriate for the respondents to consider the representation of the petitioners before proceeding with

the construction. Accordingly, without expressing any opinion on the allegations made by the petitioners, I deem it appropriate to dispose of the writ petition with a direction to the respondents to consider the representation of the petitioners dated 28.07.2004 and pass appropriate orders in accordance with law before proceeding with the proposed construction of the check dam on “Vuruvaagu”.

Accordingly, the writ petition is disposed of. No costs.

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20.08.2004

VGB

To

1 The Chairman & District Collector, District Water Management Agency, Prakasam District, Ongole.
2 The Project Director, District Water Management Agency, 8th Line, Ramnagar, Ongole.
3 The Divisional Engineer, District Water Management Agency, Kandukur, Prakasam District.

4 2CCs to the Government Pleader for Irrigation and Command Area

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